

May-18-06

12:55

From: CNH AMERICA LLC LAW DEPT

2626367188

T-264

P.001

F-651

RECEIVED  
CENTRAL FAX CENTER

MAY 18 2006

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300. (13 pages total)

Rebecca Henkel  
Rebecca Henkel

Date:

May 18, 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. 10/731,303

Examiner: Victor D. Batson

Inventor: Rodney Samuel Horn

Attorney Docket No.: 17368

Filing Date: December 9, 2003

Art Unit: 3671

Confirmation No. 3642

Title: *Seed Planter Including Vertical Positioner With Locking Member*

**PETITION UNDER 37 C.F.R. § 1.137(b) FOR REVIVAL OF AN  
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY**

Mail Stop - Petitions Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A Notice of Allowance and Fee(s) Due was issued in the above application on November 14, 2005. Applicant unintentionally failed to respond to the outstanding Notice of Allowance within the statutory time period so as to place the application in condition for issue. As such, the above-identified application became abandoned.

05/22/2006 HGUTEMA1 00000001 031025 10731303

01 FC:1453 1500.00 DA

U.S. Patent Application No. 10/731,303 to Rodney Samuel Horn  
Art Unit 3671  
Page 2

RECEIVED  
CENTRAL FAX CENTER

MAY 18 2006

Applicant, through its undersigned representative, hereby petitions to revive the above-identified patent application on the grounds that said abandonment was unintentional, withdraw the Notice of Abandonment, and reinstate this application. 37 CFR §1.137(b) permits revival of a patent application that becomes unintentionally abandoned through an applicant's failure to file a reply to an outstanding action or notice. It requires, *inter alia*, that the petition for revival must be accompanied by a reply to the outstanding action or notice. The U.S. Patent and Trademark Office construes a "reply" as any combination of materials "sufficient to have avoided abandonment, had it been timely filed." See MPEP §711.03(c). Hence, enclosed herewith please find the **Issue Fee Transmittal Form PTOL-85(B)** with authorization to charge **Deposit Account No. 03-1025** in the amount of \$1730.00 for payment of the Issue Fee, publication fee and ten additional copies of the issued utility patent. **Replacement Drawings** are also submitted herewith. Also enclosed herewith is a **CHANGE OF CORRESPONDENCE ADDRESS**.

Applicant hereby states that the entire delay in filing the required reply, from the February 14, 2006 due date for replying to an outstanding action/Notice until the filing of this petition under 37 CFR §1.137(b), was unintentional.

In light of the foregoing, grant of this petition and revival of the above-identified patent application are believed to be in order and are respectfully requested. Should the Director have any remaining questions, he is requested to contact the undersigned at the telephone number appearing below.

May-18-06

12:55

From-CNH AMERICA LLC LAW DEPT

2626367188

T-264 P.003/013 F-651

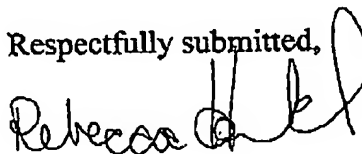
U.S. Patent Application No. 10/731,303 to Rodney Samuel Horn  
Art Unit 3671  
Page 3

RECEIVED  
CENTRAL FAX CENTER

MAY 18 2006

The Director is authorized to deduct a petition fee of \$1,500 from Deposit Account 03-1025. The Director is hereby authorized to charge payment of any other fees associated with this communication or credit any overpayment to Deposit Account No. 03-1025.

Respectfully submitted,



Rebecca Henkel  
Registration No. 53,015

Date: May 18, 2006

CNH America LLC  
700 State Street  
Racine, Wisconsin 53404  
(262) 636-6357  
(262) 636-6231